IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.373 OF 2003

Shri Vijay Laxman Somavanshi Petitioner

Vs.

M/s.Supriya Builders Respondent

Mr.V.P.Sawant for petitioner.

CORAM: B.H.MARLAPALLE,J.
August 09, 2005.

P.C.

. By the impugned order dated 5-8-2002 passed by the 8th Joint Civil Judge, Senior Division at Pune the issue of jurisdiction is raised by the defendant by filing an application under Order VII Rule 11 of CPC which came to be answered in favour of the plaintiff in Special Civil Suit No.1818 of 1998 and there is no stay to the proceedings granted by this Court during the last about three years or so. Mr.Sawant, the learned counsel for the revision applicant states that the suit is still pending and by the impugned order the trial Court has held that the suit was filed within limitation. The said issue of limitation decided by the trial Court could be re-agitated by the revision applicant in an appeal in case the suit is decreed against the defendant.

It would be, therefore, appropriate to dispose of this revision application by directing the expeditious trial of the pending suit.

. The trial of Special Civil Suit No.1818 of 1998 is hereby expedited and the same shall be heard and decided preferably by 31st March 2006. In case there is an occasion for the revision applicant to file an appeal, the issue of limitation could be reagitated in such an appeal along with other issues. The revision application is disposed off accordingly.

(B.H.MARLAPALLE,J.)